



Rep. Chapin Rose

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1 AMENDMENT TO HOUSE BILL 98

2 AMENDMENT NO. _____. Amend House Bill 98 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 3-6012.1 as follows:

6 (55 ILCS 5/3-6012.1)

7 Sec. 3-6012.1. Court security officers. The sheriff of any
8 county in Illinois with less than 3,000,000 inhabitants may
9 hire court security officers in such number as the county board
10 shall from time to time deem necessary. Court security officers
11 may be designated by the Sheriff to attend courts and perform
12 the functions set forth in 3-6023. Court security officers
13 shall have the authority to arrest; however, such arrest powers
14 shall be limited to performance of their official duties as
15 court security officers. Court security officers may carry
16 weapons, upon which they have been trained and qualified as

1 permitted by law, at their place of employment and to and from
2 their place of employment. Court security officers and retired
3 court security officers who meet the qualifications and
4 training required under Section 26.1 of the County Jail Act may
5 carry their own personal firearms off-duty in accordance with
6 that Section and Section 24-2 of the Criminal Code of 1961 with
7 the consent of the Sheriff. The Sheriff shall set the terms of
8 the right of the court security officers and retired court
9 security officers to carry their personal firearms off-duty.

10 The court security officers shall be sworn officers of the
11 Sheriff and shall be primarily responsible for the security of
12 the courthouse and its courtrooms. The court security officers
13 shall be under the sole control of the sheriff of the county in
14 which they are hired. If a county has a Sheriff's Merit
15 Commission, court security officers shall be subject to its
16 jurisdiction for disciplinary purposes. They are not regular
17 appointed deputies under Section 3-6008. The position of court
18 security officer shall not be considered a rank when seeking
19 initial appointment as deputy sheriff under Section 3-8011.

20 Every court security officer hired on or after the
21 effective date of this amendatory Act of 1996 shall serve a
22 probationary period of 12 months during which time they may be
23 discharged at the will of the Sheriff.

24 (Source: P.A. 89-685, eff. 6-1-97.)

25 Section 10. The Criminal Code of 1961 is amended by

1 changing Section 24-2 as follows:

2 (720 ILCS 5/24-2)

3 Sec. 24-2. Exemptions.

4 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
5 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
6 the following:

7 (1) Peace officers, and any person summoned by a peace
8 officer to assist in making arrests or preserving the
9 peace, while actually engaged in assisting such officer.

10 (2) Wardens, superintendents and keepers of prisons,
11 penitentiaries, jails and other institutions for the
12 detention of persons accused or convicted of an offense,
13 while in the performance of their official duty, or while
14 commuting between their homes and places of employment.

15 (3) Members of the Armed Services or Reserve Forces of
16 the United States or the Illinois National Guard or the
17 Reserve Officers Training Corps, while in the performance
18 of their official duty.

19 (4) Special agents employed by a railroad or a public
20 utility to perform police functions, and guards of armored
21 car companies, while actually engaged in the performance of
22 the duties of their employment or commuting between their
23 homes and places of employment; and watchmen while actually
24 engaged in the performance of the duties of their
25 employment.

1 (5) Persons licensed as private security contractors,
2 private detectives, or private alarm contractors, or
3 employed by an agency certified by the Department of
4 Professional Regulation, if their duties include the
5 carrying of a weapon under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004, while actually engaged
8 in the performance of the duties of their employment or
9 commuting between their homes and places of employment,
10 provided that such commuting is accomplished within one
11 hour from departure from home or place of employment, as
12 the case may be. Persons exempted under this subdivision
13 (a)(5) shall be required to have completed a course of
14 study in firearms handling and training approved and
15 supervised by the Department of Professional Regulation as
16 prescribed by Section 28 of the Private Detective, Private
17 Alarm, Private Security, Fingerprint Vendor, and Locksmith
18 Act of 2004, prior to becoming eligible for this exemption.
19 The Department of Professional Regulation shall provide
20 suitable documentation demonstrating the successful
21 completion of the prescribed firearms training. Such
22 documentation shall be carried at all times when such
23 persons are in possession of a concealable weapon.

24 (6) Any person regularly employed in a commercial or
25 industrial operation as a security guard for the protection
26 of persons employed and private property related to such

1 commercial or industrial operation, while actually engaged
2 in the performance of his or her duty or traveling between
3 sites or properties belonging to the employer, and who, as
4 a security guard, is a member of a security force of at
5 least 5 persons registered with the Department of
6 Professional Regulation; provided that such security guard
7 has successfully completed a course of study, approved by
8 and supervised by the Department of Professional
9 Regulation, consisting of not less than 40 hours of
10 training that includes the theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered eligible for this exemption if he or
13 she has completed the required 20 hours of training for a
14 security officer and 20 hours of required firearm training,
15 and has been issued a firearm control card by the
16 Department of Professional Regulation. Conditions for the
17 renewal of firearm control cards issued under the
18 provisions of this Section shall be the same as for those
19 cards issued under the provisions of the Private Detective,
20 Private Alarm, Private Security, Fingerprint Vendor, and
21 Locksmith Act of 2004. Such firearm control card shall be
22 carried by the security guard at all times when he or she
23 is in possession of a concealable weapon.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
2 any investigation for the Commission.

3 (8) Persons employed by a financial institution for the
4 protection of other employees and property related to such
5 financial institution, while actually engaged in the
6 performance of their duties, commuting between their homes
7 and places of employment, or traveling between sites or
8 properties owned or operated by such financial
9 institution, provided that any person so employed has
10 successfully completed a course of study, approved by and
11 supervised by the Department of Professional Regulation,
12 consisting of not less than 40 hours of training which
13 includes theory of law enforcement, liability for acts, and
14 the handling of weapons. A person shall be considered to be
15 eligible for this exemption if he or she has completed the
16 required 20 hours of training for a security officer and 20
17 hours of required firearm training, and has been issued a
18 firearm control card by the Department of Professional
19 Regulation. Conditions for renewal of firearm control
20 cards issued under the provisions of this Section shall be
21 the same as for those issued under the provisions of the
22 Private Detective, Private Alarm, Private Security,
23 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
24 control card shall be carried by the person so trained at
25 all times when such person is in possession of a
26 concealable weapon. For purposes of this subsection,

1 "financial institution" means a bank, savings and loan
2 association, credit union or company providing armored car
3 services.

4 (9) Any person employed by an armored car company to
5 drive an armored car, while actually engaged in the
6 performance of his duties.

7 (10) Persons who have been classified as peace officers
8 pursuant to the Peace Officer Fire Investigation Act.

9 (11) Investigators of the Office of the State's
10 Attorneys Appellate Prosecutor authorized by the board of
11 governors of the Office of the State's Attorneys Appellate
12 Prosecutor to carry weapons pursuant to Section 7.06 of the
13 State's Attorneys Appellate Prosecutor's Act.

14 (12) Special investigators appointed by a State's
15 Attorney under Section 3-9005 of the Counties Code.

16 (12.5) Probation officers while in the performance of
17 their duties, or while commuting between their homes,
18 places of employment or specific locations that are part of
19 their assigned duties, with the consent of the chief judge
20 of the circuit for which they are employed.

21 (13) Court security officers employed by a sheriff
22 under Section 3-6012.1 of the Counties Code ~~Security~~
23 ~~Officers~~ while in the performance of their official duties,
24 or while commuting between their homes and places of
25 employment, with the consent of the Sheriff.

26 (13.1) Court security officers or retired court

1 security officers who meet the qualifications and training
2 required under Section 26.1 of the County Jail Act while
3 carrying a personal firearm off-duty.

4 (13.5) A person employed as an armed security guard at
5 a nuclear energy, storage, weapons or development site or
6 facility regulated by the Nuclear Regulatory Commission
7 who has completed the background screening and training
8 mandated by the rules and regulations of the Nuclear
9 Regulatory Commission.

10 (14) Manufacture, transportation, or sale of weapons
11 to persons authorized under subdivisions (1) through
12 (13.5) of this subsection to possess those weapons.

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any of the following:

15 (1) Members of any club or organization organized for
16 the purpose of practicing shooting at targets upon
17 established target ranges, whether public or private, and
18 patrons of such ranges, while such members or patrons are
19 using their firearms on those target ranges.

20 (2) Duly authorized military or civil organizations
21 while parading, with the special permission of the
22 Governor.

23 (3) Hunters, trappers or fishermen with a license or
24 permit while engaged in hunting, trapping or fishing.

25 (4) Transportation of weapons that are broken down in a
26 non-functioning state or are not immediately accessible.

1 (5) Carrying or possessing any pistol, revolver, stun
2 gun or taser or other firearm on the land or in the legal
3 dwelling of another person as an invitee with that person's
4 permission.

5 (c) Subsection 24-1(a)(7) does not apply to or affect any
6 of the following:

7 (1) Peace officers while in performance of their
8 official duties.

9 (2) Wardens, superintendents and keepers of prisons,
10 penitentiaries, jails and other institutions for the
11 detention of persons accused or convicted of an offense.

12 (3) Members of the Armed Services or Reserve Forces of
13 the United States or the Illinois National Guard, while in
14 the performance of their official duty.

15 (4) Manufacture, transportation, or sale of machine
16 guns to persons authorized under subdivisions (1) through
17 (3) of this subsection to possess machine guns, if the
18 machine guns are broken down in a non-functioning state or
19 are not immediately accessible.

20 (5) Persons licensed under federal law to manufacture
21 any weapon from which 8 or more shots or bullets can be
22 discharged by a single function of the firing device, or
23 ammunition for such weapons, and actually engaged in the
24 business of manufacturing such weapons or ammunition, but
25 only with respect to activities which are within the lawful
26 scope of such business, such as the manufacture,

1 transportation, or testing of such weapons or ammunition.
2 This exemption does not authorize the general private
3 possession of any weapon from which 8 or more shots or
4 bullets can be discharged by a single function of the
5 firing device, but only such possession and activities as
6 are within the lawful scope of a licensed manufacturing
7 business described in this paragraph.

8 During transportation, such weapons shall be broken
9 down in a non-functioning state or not immediately
10 accessible.

11 (6) The manufacture, transport, testing, delivery,
12 transfer or sale, and all lawful commercial or experimental
13 activities necessary thereto, of rifles, shotguns, and
14 weapons made from rifles or shotguns, or ammunition for
15 such rifles, shotguns or weapons, where engaged in by a
16 person operating as a contractor or subcontractor pursuant
17 to a contract or subcontract for the development and supply
18 of such rifles, shotguns, weapons or ammunition to the
19 United States government or any branch of the Armed Forces
20 of the United States, when such activities are necessary
21 and incident to fulfilling the terms of such contract.

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 During transportation, any such weapon shall be broken
3 down in a non-functioning state, or not immediately
4 accessible.

5 (d) Subsection 24-1(a)(1) does not apply to the purchase,
6 possession or carrying of a black-jack or slung-shot by a peace
7 officer.

8 (e) Subsection 24-1(a)(8) does not apply to any owner,
9 manager or authorized employee of any place specified in that
10 subsection nor to any law enforcement officer.

11 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
12 Section 24-1.6 do not apply to members of any club or
13 organization organized for the purpose of practicing shooting
14 at targets upon established target ranges, whether public or
15 private, while using their firearms on those target ranges.

16 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
17 to:

18 (1) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while in
20 the performance of their official duty.

21 (2) Bonafide collectors of antique or surplus military
22 ordinance.

23 (3) Laboratories having a department of forensic
24 ballistics, or specializing in the development of
25 ammunition or explosive ordinance.

26 (4) Commerce, preparation, assembly or possession of

1 explosive bullets by manufacturers of ammunition licensed
2 by the federal government, in connection with the supply of
3 those organizations and persons exempted by subdivision
4 (g)(1) of this Section, or like organizations and persons
5 outside this State, or the transportation of explosive
6 bullets to any organization or person exempted in this
7 Section by a common carrier or by a vehicle owned or leased
8 by an exempted manufacturer.

9 (g-5) Subsection 24-1(a)(6) does not apply to or affect
10 persons licensed under federal law to manufacture any device or
11 attachment of any kind designed, used, or intended for use in
12 silencing the report of any firearm, firearms, or ammunition
13 for those firearms equipped with those devices, and actually
14 engaged in the business of manufacturing those devices,
15 firearms, or ammunition, but only with respect to activities
16 that are within the lawful scope of that business, such as the
17 manufacture, transportation, or testing of those devices,
18 firearms, or ammunition. This exemption does not authorize the
19 general private possession of any device or attachment of any
20 kind designed, used, or intended for use in silencing the
21 report of any firearm, but only such possession and activities
22 as are within the lawful scope of a licensed manufacturing
23 business described in this subsection (g-5). During
24 transportation, those devices shall be detached from any weapon
25 or not immediately accessible.

26 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any parole agent or parole
2 supervisor who meets the qualifications and conditions
3 prescribed in Section 3-14-1.5 of the Unified Code of
4 Corrections.

5 (g-7) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
6 24-1.6 do not apply to or affect any currently employed or
7 retired State correctional officer who meets the
8 qualifications and conditions prescribed in Section 3-2-12 of
9 the Unified Code of Corrections.

10 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
11 24-1.6 do not apply to or affect any currently employed or
12 retired county correctional officer who meets the
13 qualifications and conditions prescribed in Section 26.1 of the
14 County Jail Act.

15 (g-9) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any currently employed or
17 retired court security officer who meets the qualifications and
18 training required under Section 26.1 of the County Jail Act.

19 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
20 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
21 athlete's possession, transport on official Olympic and
22 Paralympic transit systems established for athletes, or use of
23 competition firearms sanctioned by the International Olympic
24 Committee, the International Paralympic Committee, the
25 International Shooting Sport Federation, or USA Shooting in
26 connection with such athlete's training for and participation

1 in shooting competitions at the 2016 Olympic and Paralympic
2 Games and sanctioned test events leading up to the 2016 Olympic
3 and Paralympic Games.

4 (h) An information or indictment based upon a violation of
5 any subsection of this Article need not negative any exemptions
6 contained in this Article. The defendant shall have the burden
7 of proving such an exemption.

8 (i) Nothing in this Article shall prohibit, apply to, or
9 affect the transportation, carrying, or possession, of any
10 pistol or revolver, stun gun, taser, or other firearm consigned
11 to a common carrier operating under license of the State of
12 Illinois or the federal government, where such transportation,
13 carrying, or possession is incident to the lawful
14 transportation in which such common carrier is engaged; and
15 nothing in this Article shall prohibit, apply to, or affect the
16 transportation, carrying, or possession of any pistol,
17 revolver, stun gun, taser, or other firearm, not the subject of
18 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
19 this Article, which is unloaded and enclosed in a case, firearm
20 carrying box, shipping box, or other container, by the
21 possessor of a valid Firearm Owners Identification Card.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
23 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
24 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

25 Section 15. The Unified Code of Corrections is amended by

1 adding Section 3-2-12 as follows:

2 (730 ILCS 5/3-2-12 new)

3 Sec. 3-2-12. State correctional officers; off-duty
4 firearms.

5 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
6 24-1.6 of the Criminal Code of 1961 do not apply to currently
7 employed or retired State correctional officers who meet the
8 following conditions:

9 (1) The currently employed or retired State
10 correctional officer must receive training in the use of
11 firearms while off duty conducted by the Illinois Law
12 Enforcement Training Standards Board and be certified as
13 having successfully completing such training by the Board.
14 The Board shall determine the amount of such training and
15 the course content for such training. The currently
16 employed or retired State correctional officer shall
17 requalify for the firearms training annually at a State
18 range certified by the Illinois Law Enforcement Training
19 Standards Board. The expenses of such retraining shall be
20 paid by the currently employed or retired State
21 correctional officer and moneys for the costs of such
22 requalification shall be expended at the request of the
23 Illinois Law Enforcement Training Standards Board.

24 (2) The currently employed or retired State
25 correctional officer shall purchase such firearm at his or

1 her own expense and shall register the firearm with the
2 Illinois Department of State Police and with any other
3 local law enforcement agencies that require such
4 registration.

5 (3) The currently employed or retired State
6 correctional officer may not carry any Illinois Department
7 of Corrections or Department of Juvenile Justice
8 State-issued firearm while off duty. A person who violates
9 this paragraph (3) is subject to disciplinary action by the
10 Illinois Department of Corrections or the Department of
11 Juvenile Justice.

12 (4) State correctional officers who are or were
13 discharged from employment by the Illinois Department of
14 Corrections or the Department of Juvenile Justice shall no
15 longer be considered law enforcement officials and all
16 their rights as law enforcement officials shall be revoked
17 permanently.

18 (b) For the purposes of this Section, "State correctional
19 officer" means an employee of the Department of Corrections or
20 the Department of Juvenile Justice who has custody and control
21 over inmates in an adult or juvenile correctional facility.

22 Section 20. The County Jail Act is amended by adding
23 Section 26.1 as follows:

24 (730 ILCS 125/26.1 new)

1 Sec. 26.1. County correctional officers; off-duty
2 firearms.

3 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
4 24-1.6 of the Criminal Code of 1961 do not apply to currently
5 employed or retired county correctional officers who meet the
6 following conditions:

7 (1) The currently employed or retired county
8 correctional officer must receive training in the use of
9 firearms while off duty conducted by the Illinois Law
10 Enforcement Training Standards Board and be certified as
11 having successfully completing such training by the Board.
12 The Board shall determine the amount of such training and
13 the course content for such training. The currently
14 employed or retired county correctional officer shall
15 requalify for the firearms training annually at a State
16 range certified by the Illinois Law Enforcement Training
17 Standards Board. The expenses of such retraining shall be
18 paid by the currently employed or retired county
19 correctional officer and moneys for the costs of such
20 requalification shall be expended at the request of the
21 Illinois Law Enforcement Training Standards Board.

22 (2) The currently employed or retired county
23 correctional officer shall purchase such firearm at his or
24 her own expense and shall register the firearm with the
25 Illinois Department of State Police and with any other
26 local law enforcement agencies that require such

1 registration.

2 (3) The currently employed or retired county
3 correctional officer may not carry any county
4 sheriff-issued firearm while off duty. A person who
5 violates this paragraph (3) is subject to disciplinary
6 action by the county sheriff.

7 (4) County correctional officers who are or were
8 discharged from employment by the county sheriff shall no
9 longer be considered law enforcement officials and all
10 their rights as law enforcement officials shall be revoked
11 permanently.

12 (b) For the purposes of this Section, "county correctional
13 officer" means an employee of the county who has custody and
14 control over inmates in a county jail or juvenile detention
15 center."